

18054. Misbranding of Marshall's cubeb cigarettes. U. S. v. 35¼ Dozen Packages of Marshall's Cubeb Cigarettes. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25934. I. S. No. 5091. S. No. 4092.)

Examination of a product, known as Marshall's cubeb cigarettes, from the shipment herein described having shown that the carton label and accompanying circular and display carton bore statements representing that the article possessed curative and therapeutic properties which it did not, the Secretary of Agriculture reported the matter to the United States attorney for the District of Massachusetts.

On February 19, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 35¼ dozen packages of Marshall's cubeb cigarettes, remaining in the original unbroken packages at Boston, Mass., alleging that the article had been shipped by James B. Horner (Inc.), from New York, N. Y., on or about December 10, 1930, and had been transported from the State of New York into the State of Massachusetts, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted of cigarettes made of coarsely ground cubeb.

It was alleged in the libel that the article was misbranded in that the following statements appearing in the labeling, regarding the curative or therapeutic effects of the said article, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Small carton) "For Catarrh, Hay Fever * * * Headache, Asthma, Diseases of the Throat, &c. &c. * * * For all Throat Diseases, Asthma, Bronchitis, etc., inhale the smoke, taking it into the lungs; and immediate relief will follow. * * * For Catarrhal Headache they are without a rival;" (small package circular) "A Remedy for Catarrh, * * * Asthma, Hay Fever; All Diseases of the Throat; Foul Breath, etc.;" (display carton) "For Catarrh, * * * Asthma, Hay Fever, Throat Diseases, Foul Breath, Etc."

On March 30, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18055. Adulteration and misbranding of Galpin's antiseptic vaginal suppositories. U. S. v. 4¼ Dozen Boxes of Galpin's Antiseptic Vaginal Suppositories. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25901. I. S. No. 8159. S. No. 4091.)

Examination of a drug product, known as Galpin's antiseptic vaginal suppositories, from the shipment herein described having shown that the article was not antiseptic, and that the package label and inclosed leaflet contained statements representing that the article possessed curative and therapeutic properties which it did not, the Secretary of Agriculture reported the matter to the United States attorney for the Western District of Tennessee.

On February 19, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of four and one-third dozen boxes of Galpin's antiseptic vaginal suppositories at Memphis, Tenn., alleging that the article had been shipped by H. T. Galpin (Inc.), from Amityville, Long Island, N. Y., on or about July 26, 1930, and had been transported from the State of New York into the State of Tennessee, and charging adulteration and misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of a base of theobroma oil containing ammonium alum, boric acid, and a quinine compound.

It was alleged in the libel that the article was adulterated in that its strength fell below the professed standard or quality of "Antiseptic," stated on the label.

Misbranding was alleged for the reason that the following statement appearing on the label was false and misleading: "Antiseptic Vaginal Suppositories." Misbranding was alleged for the further reason that the following statements on the package label and in the inclosed leaflet, regarding the curative and therapeutic effects of the said article, were false and fraudulent, since the article contained no ingredient or combination of ingredients capable of producing the effects claimed: (Label) "For the Diseases of Women. A harmless and reliable treatment for disordered and disturbed conditions of the womb and

other female organs. Of great value in Leucorrhœa and other local inflammatory conditions of the Vagina;" (leaflet) "Leucorrhœa.—Referable to local congestion and inflammation of the womb, mainly around its neck, called the Cervix. * * * According to the severity of the disease use one cone every twelve or twenty-four hours. In the beginning of the treatment, when there is much erosion or ulceration, the action of the cone may cause some smarting, but after a few days' treatment and the recovery has begun, this will disappear. Preventive of Diseases.—These Suppositories * * * have a strong tendency to prevent infective diseases of the genito-urinary tract, * * * Painful menstruation not due to mechanical causes and a faulty position of uterus and cervix. Use one cone every night, * * * Malignant Diseases.—While these cones have no curative effect in these conditions, * * * helping her general health."

On March 17, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18056. Misbranding of Hydras. U. S. v. 4 Dozen Bottles, et al., of Hydras. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25937. I. S. No. 20103. S. No. 4181.)

Examination of a drug product, known as Hydras, from the shipment herein described having shown that the bottle label and the circular accompanying a portion of the article contained statements representing that it possessed curative and therapeutic properties which it did not, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of New York.

On February 25, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of three hundred and twenty 8-ounce bottles and twenty-two 1-quart bottles of Hydras, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by John Wyeth & Bro., from Philadelphia, Pa., in various consignments, on or about December 26, 1930, January 5, January 6, January 9, January 19, January 23, January 26, February 4, and February 13, 1931, and had been transported from the State of Pennsylvania into the State of New York, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of extracts of plant drugs including hydrastis, alcohol, glycerin, sugar, and water.

It was alleged in the libel that the article was misbranded in that the following statements regarding the curative or therapeutic effects of the said article, appearing in the labeling, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Bottle label) "Indicated in treatment of Dysmenorrhœa, Menorrhagia. Anti-Abortive * * * Directions.—For dysmenorrhœa, suppressed menses, etc. * * * To relieve pain due to uterine disorders, a dessert-spoonful;" (circular accompanying 8-ounce size) "Dysmenorrhœa, Menorrhagia, Anti-Abortive * * * A valuable preparation to the physician in the treatment of dysmenorrhœa, colic, cramps, spasm, palpitation incident to pregnancy, and the various pains resulting from diseases of the female sexual organs. In the dysmenorrhœa of young girls due to some mechanical difficulty, as anteversion or of a congestive character, of suppressed menses from exposure to cold and other causes of a similar character, Hydras will prove efficient and can be administered freely without danger. It will arrest abortion when threatened and prevent it when habitual, and is serviceable in congestive headache, in the nervous and hysterical disturbances connected with dysmenorrhœa, in congestion of the uterus and uterine disorders characterized by loss of blood. * * * Directions.—In dysmenorrhœa, * * * In the sympathetic neuroses connected with menstruation * * * every three hours until relieved."

On March 23, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*